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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 August 2002, at 3 p.m.

Chairperson: Mr. PINHEIRO

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CLOSURE OF THE SESSION

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The meeting was called to order at 3.15 p.m.

ORGANIZATION OF WORK (agenda item 1) (continued)

1. The CHAIRPERSON said that he had received a letter from the United Nations High Commissioner for Human Rights attaching an opinion of the Legal Counsel of the United Nations concerning some of the decisions adopted by the Sub-Commission at its current session. The Bureau had discussed the letter and recommended that the Sub-Commission should take note of the legal opinion.

2. Mr. ALFONSO MARTÍNEZ stressed that the Legal Counsel's comments were purely an advisory opinion and had no binding force on the Sub-Commission or its parent bodies. Moreover, it appeared that those comments were very selective in that they applied to some decisions of the Sub-Commission but not to others that met the same criteria. For example, the advisory opinion made no reference to the draft decision on globalization and its impact on the full enjoyment of all human rights (E/CN.4/Sub.2/2002/L.8), in which the Sub-Commission requested two special rapporteurs who were no longer members of the Sub-Commission to submit their final report in person to the Sub-Commission at its fifty-fifth session, but it did refer to the draft decision on human rights and weapons of mass destruction (E/CN.4/Sub.2/2002/L.43), which also included a request to a former member of the Sub-Commission to submit a working paper at the same session. Clearly, a study - even one without financial implications - that examined the dangers of the use of depleted uranium in weapons was not to the liking of many States. With regard to the claim that draft decision L.43 would appear to be inconsistent with the 1992 guidelines concerning the Sub-Commission's methods of work, he stressed that they were just guidelines and that the Sub-Commission's work was actually regulated by the rules of procedure laid down by the Economic and Social Council. He proposed that the Sub-Commission should simply take note of receipt of the letter.

3. It was so decided.

4. The CHAIRPERSON referred to the informal survey in which he had asked members for their views on the possibility of moving the session of the Sub-Commission from August to December or January. The response had revealed an overwhelming consensus among members that the gap between the end of the session of the Sub-Commission and the first meeting at which the Commission on Human Rights could take action on its resolutions should be narrowed. Members thought that it would be extremely helpful if the Commission could take action earlier, for instance at its one-day informal session in September, but that appeared to be a remote possibility. In his understanding members would not have strong objections to a move, although it would affect the professional duties of some of them. He therefore proposed to explore that possibility with the expanded Bureau of the Commission at an appropriate time and in an appropriate format, taking into account the availability of conference services.

5. Mr. ALFONSO MARTÍNEZ said that the Chairperson should specify that to move the session would affect the professional duties of some but not all members of the Sub-Commission and that he would be exploring such a possibility with the expanded Bureau of the next session of the Commission, not the current one.

6. The CHAIRPERSON suggested that the comments by Mr. Alfonso Martínez should be incorporated into his proposal.

7. It was so decided.

DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT (agenda item 7)

(a) DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FIFTH SESSION OF THE SUB-COMMISSION (E/CN.4/Sub.2/2002/L.1)

8. The CHAIRPERSON suggested that the Sub-Commission should take note of the provisional agenda for the fifty-fifth session.

9. It was so decided.

(b) ADOPTION OF THE REPORT ON THE FIFTY-FOURTH SESSION (E/CN.4/Sub.2/2002/L.10 and Add.1–6, E/CN.4/Sub.2/2002/L.11 and Add.1 and 2)

10. Mr. DECAUX (Rapporteur) said that the Sub-Commission had managed to combine a conceptual approach to many burning human rights issues with an action-oriented approach in an atmosphere of mutual trust which had yielded a remarkable level of consensus at its current session. Looking forward to the next session, he said that there was a significant imbalance between the number of studies planned for the various items on the provisional agenda and he suggested that the next Bureau should look into the possibility of considering some of the studies allocated to item 6 of the provisional agenda, on specific human rights issues, under item 3, on the administration of justice, the rule of law and democracy.

11. As in previous years, the draft report would consist of two parts: the compilation of the 31 resolutions and 18 decisions adopted during the current session, contained in documents E/CN.4/Sub.2/2002/L.11 and Add.1 and 2; and proceedings under the various agenda items, contained in documents E/CN.4/Sub.2/2002/L.10 and Add.1-6. If members wished to make any corrections to those documents, they could do so by submitting their corrections to the Secretariat in writing within the next three weeks.

12. Mr. ALFONSO MARTÍNEZ said that decision 2002/113 (E/CN.4/Sub.2/2002/L.11/Add.1) and decision 2002/116 (E/CN.4/Sub.2/2002/L.11/Add.2), which requested, respectively, Mr. Sik Yuen and Mr. Rodríguez-Cuadros to submit working papers for consideration at the fifty-fifth session of the Sub-Commission, should specify that the authors should pay due attention not only to the comments and suggestions made during the debate at the current session of the Sub-Commission but also to any comments or suggestions forwarded to them at a later date.

13. Ms. KOUFA pointed out that paragraph 23 of document E/CN.4/Sub.2/2002/L.10/Add.5 failed to specify that the draft resolution adopted on terrorism and human rights had been orally amended. She also noted that the phrase "should include a discussion", in paragraph 6 of that

draft resolution (E/CN.4/Sub.2/2002/L.21), had been wrongly changed to "shall include a discussion" in resolution 2002/24 as it appeared in document E/CN.4/Sub.2/2002/L.11/Add.1.

14. Mr. WEISSBRODT said that in the final preambular paragraph of resolution 2002/8 (E/CN.4/Sub.2/2002/L.11/Add.1), "other industrial or commercial enterprises" should read "other business enterprises". Similarly, in the operative paragraphs of the resolution, "other enterprises" should read "other business enterprises".

15. The CHAIRPERSON requested members to send those and any further corrections in writing to the Secretariat.

16. The Sub-Commission's report on its fifty-second session, as orally amended, was adopted ad referendum.

CLOSURE OF THE SESSION

17. Mr. EIDE reviewed the accomplishments of the Sub-Commission's fifty-fourth session. He said that the Chairperson had shown strong leadership throughout the session, particularly by calling on the authorities of Texas to stay the execution of a young Mexican man, who had been executed regardless only a few days later.

18. Mr. BENGOA, stressing the importance of non-governmental organizations (NGOs) to the work of the Sub-Commission, called for a more interactive dialogue to take place during future meetings.

19. The CHAIRPERSON said that the accomplishments of the Sub-Commission at its fifty-fourth session had shown that its reputation as the "think tank" of the Commission was well deserved. He drew attention, in particular, to the holding of the first session of the Social Forum, the Chairperson's statement calling for a stay of execution of a Mexican citizen in the United States and the inclusion of a gender perspective in the discussion of all substantive agenda items. An important achievement in the thematic area had been the detailed analysis of the problem of combating terrorism.

20. After an exchange of courtesies by the representatives of the various regional groups of States, the CHAIRPERSON declared the fifty-fourth session of the Sub-Commission on the Promotion and Protection of Human Rights closed.

The meeting rose at 4.25 p.m.